

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**3:11-cv-439-RJC
(3:09-cr-153-RJC-5)**

ANTHONY BRITT MOORE,

v.

UNITED STATES OF AMERICA,

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ORDER

THIS MATTER comes before the Court on review of the supplement to the motion to vacate filed by the Federal Defender in support of the Petitioner's pro se motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. On May 22, 2012, this district appointed the Federal Defenders of Western North Carolina to review the cases of defendants convicted in this district to determine if they might qualify for post-conviction relief based on the Fourth Circuit's en banc decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). See (3:12-mc-92). After considering the supplement to the motion to vacate, the Court finds that the Government should file a response.

IT IS, THEREFORE, ORDERED that the Government shall file a response to the supplement to the § 2255 motion to vacate within forty-five (45) days from entry of this Order, (Doc. No. 8), and Petitioner's counsel may file a reply within 15 days of the filing of the Government's response.



Robert J. Conrad, Jr.
United States District Judge



